IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11870 of 2006

–

Dated: June 15, 2006

–

–

Between:

D. Subba Rao, S/o. Kannappa, aged about 50 years,

Hindu, R/o. Chityala, Mahaboobnagar District.

… Petitioner

And

Government of A.P. rep. by its Secretary,

Education (SE) Dept., Secretariat, Hyderabad,

and two others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus declaring the order dated 24-02-2006, passed by the second respondent in proceedings Rc.No.981/A3-2/01-06, as illegal and arbitrary and a consequential direction is sought to direct the respondents to reinstate the petitioner into service.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The facts of the case, in brief, are that in the raid conducted by the A.C.B. officials on 21-12-2000, the petitioner, working as Senior Assistant in the third respondent society, was found to have misappropriated an amount of Rs.30,029/- out of the total sale proceeds of 8th class entrance test applications. Thereafter, an enquiry was initiated against him and a show cause notice was also issued to him calling for his explanation and having found it unsatisfactory, the third respondent, by the impugned order, removed the petitioner from service. Aggrieved thereby, the petitioner preferred an appeal to the first respondent on 06-06-2006 as per the rules and the same is said to be pending on his file.

4. Learned counsel for the petitioner submits that the impugned order has been passed without any notice to him and without conducting any enquiry.

5. As much as the petitioner has already preferred an appeal before the first respondent challenging the impugned order, without going into the merits of the case, I dispose of the writ petition directing the first respondent, Secretary, Education (SE) Dept., to consider the appeal filed by the petitioner and dispose of the same in four weeks from today after giving opportunity to the petitioner.

6. Subject to the above observations, the writ petition is disposed of. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

June 15, 2006

N.B. **Furnish copy in two days**

MRR